

81st CONGRESS } HOUSE OF REPRESENTATIVES { REPORT
2d Session } No. 3013

AMENDING SECTION 10 OF THE ACT RELATING TO THE RECEIPT
OF PAY, ALLOWANCES, TRAVEL, OR OTHER EXPENSES WHILE
DRAWING A PENSION, DISABILITY ALLOWANCE, DISABILITY
COMPENSATION, OR RETIRED PAY

AUGUST 29, 1950.—Committed to the Committee of the Whole House on the
State of the Union and ordered to be printed

Mr. BROOKS, from the Committee on Armed Services, submitted the
following

REPORT

[To accompany S. 1507]

The Committee on Armed Services, to whom was referred the bill (S. 1507) to amend section 10 of the act of August 2, 1946, relating to the receipt of pay, allowances, travel, or other expenses while drawing a pension, disability allowance, disability compensation, or retired pay, and for other purposes, having considered the same report favorably thereon with amendment and recommend that the bill do pass.

The amendment is as follows:

On page 3, at the end of section 3, strike the period, insert a comma, and add the following:

and shall terminate five years after the date of approval of this Act.

The purpose of S. 1507 is to permit the waiver of pension or disability benefits by former personnel of the military services for the purpose of serving in the civilian components of the respective services. It also makes uniform among the various services practices and laws pertaining to this subject.

Section 10 of the act of August 2, 1946 (60 Stat. 854) provided that officers and enlisted personnel of the Naval Reserve or Marine Corps Reserve on active duty were not entitled to receive pay, allowances, travel or other expenses while drawing a pension, disability allowance, disability compensation, or retired pay from the Government of the United States.

In his decision of January 30, 1948, the Comptroller General of the United States held that the above-quoted section would preclude members of the Naval or Marine Corps Reserve from receiving active-duty pay even though any pension, disability compensation, dis-

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ability allowance, or retired pay to which entitled was surrendered or waived for the period of active duty. Another decision by the Comptroller General similarly affected personnel of the Reserve components of the Army of the United States.

By virtue of the language in the Appropriations Acts of 1949 and 1950, members of the Reserve components who were drawing physical disability retirement pay or compensation were allowed to waive their disability-retirement pay or compensation for the periods of active duty, field training, instruction, or other duties. The services are desirous of having these provisions enacted into permanent law rather than having to depend from year to year upon the language in appropriations acts.

Therefore, the purpose of section 1 of the proposed legislation is to permit members of the Naval Reserve and Marine Corps Reserve to elect to receive active duty or training pay in lieu of drawing any pension or disability compensation to which they may be entitled during periods of such duty. Section 2 would permit members of the Reserve components of the Army and Air Force to make similar elections. Section 3 would legalize payments to personnel who have heretofore waived or surrendered their pension, disability compensation, disability allowances, or retired pay and actually received active duty or training duty pay in lieu thereof for periods of duty performed on or subsequent to July 1, 1947. This section is necessary inasmuch as the Appropriation Act of 1948 did not include language which would allow waivers. However, before the Comptroller General issued his ruling some members of the Reserve components waived their disability compensation in order to enter upon periods of active training duty. Therefore, this section would merely legalize payments of active-duty pay to them in order to comply with the ruling of the Comptroller General.

The Military Establishment is of the opinion that this is a meritorious bill. There are many members of the reserve components who have minor disabilities by Veterans' Administration standards, but, at the same time, their disabilities are not such that they could not perform good and useful service in the Armed Forces. In the present national emergency, the services are in need of many Reserves who are specialists. Some of these specialists are well-fitted for duty with the Armed Forces despite their minor disabilities, but under the present law as construed by the Comptroller General, if these men are recalled to active duty, or accepted on a voluntary basis, they cannot accept service pay even though they elect to waive their disability compensation, unless language is carried in the current Appropriation Act which would allow them to waive their disability compensation.

The committee amended the bill as follows: On page 3, before the period at the end of section 3, strike the period, insert a comma, and add the following: "and shall terminate 5 years after the date of approval of this act."

The committee unanimously approved the provisions of this bill, but it was of the opinion that the provisions of the bill should only extend for a limited period and at that time the Congress could again look into the matter and see whether this legislation was still necessary and should be made permanent.

The Bureau of the Budget interposes no objection to the bill and its enactment would entail the expenditure of no Government funds.

AMEND SECTION 10 OF ACT RELATING TO RECEIPT OF PAY 3

CHANGES IN EXISTING LAW

In compliance with clause 2 (a) of rule XIII of the rules of the House of Representatives, there is herewith printed in parallel columns the text of provisions of existing law which would be repealed or amended by the various provisions of the bill:

EXISTING LAW (60 STAT. 854)

THE BILL

Sections 1 to 9, inclusive, remain unchanged.

SEC. 10. Officers and enlisted personnel of the Naval Reserve or Marine Corps Reserve on active duty shall not be entitled to receive pay, allowances, travel, or other expenses while drawing a pension, disability allowance, disability compensation, or retired pay (other than as members of the Fleet Reserve or Fleet Marine Corps Reserve or as members on the honorary retired list of such Reserve forces) from the Government of the United States.

Any member of the Naval Reserve or Marine Corps Reserve entitled to draw a pension, retainer pay, disability allowance, disability compensation, or retired pay from the Government of the United States by virtue of prior military service, may elect, with reference to periods of active duty, active duty for training, drill, training, instruction, or other duty for which they may be entitled to receive compensation pursuant to any provisions of law to receive either (1) the compensation for such duty, which, when authorized by law, shall include travel or other expenses incident thereto, and subsistence and quarters, or commutation thereof, or (2) the pension, retainer pay, disability allowance, disability compensation or retired pay, but not both; and unless they specifically waive or relinquish the latter, they shall not receive the former for the periods of such duty: *Provided*, That nothing contained in this section shall be construed as prohibiting the enlistment or appointment in the Naval Reserve or the Marine Corps Reserve of any person who may be entitled to draw any such pension, disability allowance, or disability compensation.

Sections 11 to 41, inclusive, remain unchanged.

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